

File Number: 2006-0627 No. 06-12

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

This form is provided as a notification of an intent to adopt a Mitigated Negative Declaration which has been prepared in compliance with the provisions of the California Environmental Quality Act of 1970, as amended, and Resolution #118-04.

PROJECT TITLE:

Application for a Variance filed by Calstone/Peninsula Building Supply.

PROJECT DESCRIPTION AND LOCATION (APN):

2006-0627 — Calstone/Peninsula Building Supply [Applicant] JJ & W, LLC [Owner]: Application for a Variance from Sunnyvale Municipal Code section 19.42.030 (maximum allowable noise level for an industrial business.) The property is located at 1155 and 1175 Aster Avenue (near Willow Avenue) in an M-3/ITR/R-3/PD (General Industrial/Industrial to Residential/Medium Density Residential/Planned Development) Zoning District. (APN: 213-01-017)

WHERE TO VIEW THIS DOCUMENT:

The **Mitigated Negative Declaration**, its supporting documentation and details relating to the project are on file and available for review and comment in the Office of the Secretary of the Planning Commission, City Hall, 456 West Olive Avenue, Sunnyvale.

This Mitigated Negative Declaration may be protested in writing by any person prior to 5:00 p.m. on Monday, July 24, 2006. Protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a Mitigated Negative Declaration will be considered by the adopting authority, whose action on the protest may be appealed.

HEARING INFORMATION:

A public hearing on the project is scheduled for:

Monday, July 24, 2006 at 8:00 p.m. in the Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale.

TOXIC SITE INFORMATION:

(No) listed toxic sites are present at the project location.

Circulated On June 27, 2006

Signed:

Andrew Miner, Principal Planner

ATTACHMENT D
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File Number: 2006-0627 No. 06-12



PLANNING DIVISION CITY OF SUNNYVALE P.O. BOX 3707 SUNNYVALE, CALIFORNIA 94088-3707

NEGATIVE DECLARATION

This **Mitigated Negative Declaration** has been prepared in compliance with the provisions of the California Environmental Quality Act of 1970, as amended, and Resolution #118-04.

PROJECT TITLE:

Application for a Variance filed by Calstone/Peninsula Building Supply.

PROJECT DESCRIPTION AND LOCATION (APN):

2006-0627 – Calstone/Peninsula Building Supply [Applicant] JJ & W, LLC [Owner]: Application for a Variance from Sunnyvale Municipal Code section 19.42.030 (maximum allowable noise level for an industrial business.) The property is located at 1155 and 1175 Aster Avenue (near Willow Avenue) in an M-3/ITR/R-3/PD (General Industrial/Industrial to Residential/Medium Density Residential/Planned Development) Zoning District. (APN: 213-01-017)

FINDINGS:

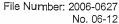
The Director of Community Development of the City of Sunnyvale, California, hereby determines that an environmental impact report is not required. There are sufficient environmental controls incorporated into the zoning regulations to ensure no significant detrimental effect.

The above determination is based upon the initial study conducted in this matter, information provided by the applicant in an "Application for Environmental Finding" that the above determination is based on information provided by the applicant in an "Application for Environmental Clearence" and is based on the fact that the use is in keeping with not in conflict with the adopted General Plan, The Zoning Ordinance and the Subdivision Ordinance. The sufficient environmental controls are incorporated in the Zoning and Subdivision regulations as to ensure no significant detrimental effect and that the use would be in keeping with the character of the (proposed) Zoning District. The sufficient environmental controls are incorporated in the Zoning and Subdivision regulations to ensure no significant detrimental effect by any proposed use, in the case of a PD overlay or any application for a (Use Permit)(SDP) and arc. con. by city.

This **Mitigated Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on Such protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a Negative Declaration will be considered by the adopting authority, whose action on the protest may be appealed.

Circulated On June 27, 2006	Signed:
	Andrew Miner, Principal Planner
Adopted On	Verified:
	Andrew Miner Principal Planner

ATTACHMENT D





California Department of Fish and Game CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

PROJECT TITLE/LOCATION (INCLUDE COUNTY):

The Variance is located on **1155 and 1175 Aster Avenue**, City of Sunnyvale, County of Santa Clara in an M-3/ITR/R-3/PD (General Industrial/Industrial to Residential/Medium Density Residential/Planned Development) Zoning District. (APN: 213-01-017)

PROJECT DESCRIPTION:

2006-0627 – Calstone/Peninsula Building Supply [Applicant] JJ & W, LLC [Owner]: Application for a Variance from Sunnyvale Municipal Code section 19.42.030 (maximum allowable noise level for an industrial business.)

FINDINGS OF EXEMPTION:

- 1. This project is in an urban setting.
- 2. There is no alteration of land or effect on fish or wildlife.

CERTIFICATION:

I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Andrew Miner

Title: Principal Planner, Community Development

Lead Agency: City of Sunnyvale

Date: June 27, 2006



INITIAL STUDY
City of Sunnyvale
Department of Community Development
Planning Division
P.O. Box 3707
Sunnyvale, CA 94088-3707

Project #: 2006-0627 Project Address: 1155 Aster Avenue, Sunnyvale Applicant: Adam Morey

Project Title	Application for a Variance from noise standards.
Lead Agency Name and Address	City of Sunnyvale PO Box 3707 Sunnyvale, CA 94088-3707
Contact Person	Steve Lynch, Senior Planner
Phone Number	(408) 730-2723
Project Location	1155 & 1175 Aster Ave Sunnyvale, CA 94087
Project Sponsor's Name	Calstone, Adam Morey
Address	P.O.Box 5807 Redwood City, CA 94063
Zoning	M-3/ITR/R-3/PD
General Plan	Industrial to Medium Density Residential
Other Public Agencies whose approval is required	None

Description of the Project

The project consists of a Variance application from the City's Operating Standards (Noise or Sound Level – Sunnyvale Municipal Code §19.42.030(a)) for two existing industrial businesses. The two businesses, Calstone and Peninsula Building Materials, are not proposing to modify their operations in any manner but are requesting to be allowed to continue their existing operations at the industrial noise standard.

Environmental Context

The surrounding Zoning to the west and east are both multi-family residential (R-3/PD - Residential Medium Density/Planned Development and City of Santa Clara multi-family housing project across Lawrence Expressway). The Zoning to the north is an Industrial (M-3 and M-S) Zone which is currently being used by Caltrain (Lawrence Station) and other industrial businesses. The Zoning to the south is an Industrial to Residential Medium Density (M-3/ITR/R-3/PD) Zone. There are three parcels abutting this property to the south, one of which is an industrial condominium used by multiple, indoor, small businesses (contractors, offices, etc.). The second two parcels were recently approved for medium density town home developments. These two parcels are in the early stages of demolition and construction, with no residents living on-site at this time.

Peninsula Building Materials retails a variety of stone, bricks, paving stones, associated hardware, and more. The hours of operation are from 7:00am to 5:00pm, Monday through



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Project Address: 1155 Aster Avenue, Sunnyvale

Applicant: Adam Morey

Friday. Peninsula Materials typically utilized semi-truck and dump trucks as the product transport, averaging around 30 daily truck trips. The business retails to the public as well as other businesses. The original Use Permit to allow the business at this location was approved by the City's Planning Commission on February 10, 1964.

Calstone is a manufacturer of various types of concrete products such as bricks, pavers, and stone. Calstone is designed to operate on a 24-hour basis, 7 days a week, with one shift commencing every eight hours. Typically business hours occur from 6:00am to 10:00pm. The 10:00pm to 6:00am shift only occurs on an intermittent basis throughout the year as the market warrants. 24-hour operations do not occur sporadically on a weekly basis, but rather occur over longer periods such as months in the year. This is due to a fundamental business issue of increased staffing, resources, economics, etc., to make the third daily shift physically and economically feasible. Calstone utilizes both semi-truck and rail cars as the product delivery. Product export occurs using semi-truck transport averaging around 20 daily truck trips. The business retails primarily to other businesses. The original Use Permit to allow the business at this location was approved by the City's Planning Commission on February 10, 1964.

ITR Background

A study issue (Futures Study), allowing the development of residential units in industrial zones, was completed in 1993 to address the City's ongoing housing shortages. As a result of the study, City Council approved a rezone, which added the Industrial to Residential (ITR) Combining District and the R-3 designation to the existing M-S and M-3 Zones. The ITR Combining District allows industrial, office, commercial and residential uses to exist within the same zoning district, and allows existing industrial, office and commercial sites to convert to residential use. The R-3 district defines the residential density and development standards. The subject site was rezoned to R-3/ITR/PD as part of this study in 1993. The current property and business owners were noticed and involved in the Futures Study at that time.

Sunnyvale Municipal Code (SMC), Title 19

SMC §19.42.030(a) (Noise or Sound Level) states the following:

Operational noise shall not exceed seventy-five dBA at any point on the property line of the premises upon which the noise or sound is generated or produced; provided, however, that the noise or sound level shall not exceed fifty dBA during nighttime or sixty dBA during daytime hours at any point on adjacent residentially zoned property. If the noise occurs during nighttime hours and the enforcing officer has determined that the noise involves a steady, audible tone such as a whine, screech or hum, or is a staccato or intermittent noise (e.g., hammering) or includes music or speech, the allowable noise or sound level shall not exceed forty-five dBA.

As the above section states, the more restrictive noise level applies to any property that is adjacent to a residentially zoned property. Typically this applies to commercial or industrial businesses adjacent to residential uses. The section is also applicable to existing industrial or commercial businesses in ITR Zones when an adjacent parcel is converted from non-residential to residential. In effect, the allowable maximum noise level is lowered if an adjacent property is redeveloped to residential.



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Project Address: 1155 Aster Avenue, Sunnyvale

Applicant: Adam Morey

Application Background

The subject parcel is adjacent to an existing 330 unit multi-family apartment complex that was approved in 1984. There have been some noise issues with the existing apartment complex but these have generally been mitigated by the construction of a 10-foot high masonry sound wall. There are two recently approved multi-family projects across Aster Avenue that will contain ownership town home developments. As a result of the approval of these projects, the owners of Calstone and Peninsula Building Material have a heightened awareness of the applicable SMC noise limitations. The two new developments may be subject to a greater noise level as a result of several factors associated with the physical configuration of area.

ATTACHMENT D

Project Address: 1155 Aster Avenue, Sunnyvale

Applicant: Adam Morey

Project #: 2006-0627

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

All answers must take account of the whole action involved, including off-site as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

4. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

5. "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).

6. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:

7. Earlier Analysis Used. Identify and state where they are available for review.

Impacts Adequately Addressed. Identify which effects from the above checklist were within
the scope of and adequately analyzed in an earlier document pursuant to applicable legal
standards, and state whether such effects were addressed by mitigation measures based
on the earlier analysis.

Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project

10. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.



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Project Address: 1155 Aster Avenue, Sunnyvale

Applicant: Adam Morey

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages. Hazards & Hazardous Public Services Aesthetics Materials ☐ Agricultural Resources Hydrology/Water Recreation Quality Land Use/Planning ☐ Air Quality Transportation/Traffic Utilities/Service ☐ Biological Resources Mineral Resources Systems Mandatory Findings of Cultural Resources Noise Significance ☐ Geology/Soils Population/Housing DETERMINATION: (To be completed by the Lead Agency) On the basis of this initial evaluation: I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. I find that although the proposed project could have a significant effect on the environment, there will not be \boxtimes a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared. I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. Signature For the City of Sunnyvale Steve Lynch, Associate Planner (Lead Agency)

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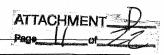
Project Address: 1155 Aster Avenue, Sunnyvale

		Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
1.	AESTHETICS. Would the project:					
	A. Have a substantial adverse effect on a scenic vista?				\boxtimes	2, 94
	 Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? 				×	2, 94
	 Substantially degrade the existing visual character or quality of the site and its surroundings? 		-			2, 94, 101
	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?					2, 94
2.	AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
	Conflict with or obstruct implementation of the applicable air quality plan?				\boxtimes	3, 94, 100, 111
	Violate any air quality standard or contribute substantially to an existing or projected air quality violation.				\boxtimes	3, 94, 100, 111
	c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?					3, 96, 97, 100, 111
	d. Expose sensitive receptors to substantial pollutant concentrations?				\boxtimes	62, 63, 111, 112
	Create objectionable odors affecting a substantial number of people?				\boxtimes	111, 112
3.	BIOLOGICAL RESOURCES:					
	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?					2, 94, 111, 112, 109



Project #: 2006-0627 Project Address: 1155 Aster Avenue, Sunnyvale

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			Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
	b.	Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?					2, 94, 111, 112, 109
	C.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				\boxtimes	2, 94, 111, 112, 109
	d.	Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?					2, 94, 111, 112, 109
	e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				\boxtimes	2, 94, 111, 112, 109
	f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?					41,94, 111, 112
4.	CU	LTURAL RESOURCES. Would the project:					
	a.	Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?					10, 42, 60, 61, 94, 111
	b.	Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5					10, 42, 94
·	C.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?					10, 42, 94, 111
	d.	Disturb any human remains, including those interred outside of formal cemeteries?					2, 111, 112
5.		ND USE AND PLANNING. Would the ject:					
	a.	Physically divide an established community?				\boxtimes	2, 11, 12, 21, 28



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	170000		Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
	b.	Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?					31, 28,
	C.	Conflict with any applicable habitat conservation plan or natural communities conservation plan?					2, 41, 94, 111
6.	MI	NERAL RESOURCES. Would the project:					
	a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?					2, 94
	b.	Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?					2, 94
7.	NO	ISE. Would the project result in:					
	a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?					2, 16, 26, 94, 111, 112, 115
	b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?					2, 16, 26, 94, 111, 112, 115
	C.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?					2, 16, 26, 94, 111, 112, 115
	d.	A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?					2, 16, 26, 94, 111, 112, 115
8.		PULATION AND HOUSING. Would the ject:					
	a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?					2, 94
	b.	Displace substantial numbers of existing housing, necessitating the construction of					2, 11, 111, 112



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	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
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replacement housing elsewhere?					
Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?					2, 11, 111, 112
9. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a. Schools?				\boxtimes	2, 111, 112
b. Police protection?				\boxtimes	26, 65, 66, 103, 104
c. Fire protection?					26, 65, 66, 103, 104
d. Parks?					2, 111, 112
e. Other services?					111
10. MANDATORY FINDINGS OF SIGNIFICANCE					
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?					2, 10, 26, 42, 59, 60, 61, 111, 112
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?				\boxtimes	1, 2, 111, 112



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Project Address: 1155 Aster Avenue, Sunnyvale Applicant: Adam Morey

			Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
	C.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?					111, 112
11.	GE	OLOGY AND SOILS. Would the project:					
	a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:					-
		i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.					UBC, UPC, UMC, NEC
		ii) Strong seismic ground shaking?					ii.
		iii) Seismic-related ground failure, including liquefaction?					u
		iv) Landslides?					и
	b.	Result in substantial soil erosion or the loss of topsoil?					66
	C.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?					и
The state of the s	d.	Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?					66
	e.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?					ec



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Project Address: 1155 Aster Avenue, Sunnyvale Applicant: Adam Morey

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		Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
	TLITIES AND SERVICE SYSTEMS. Would project:					
а.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?					2, 20, 24, 87, 88, 89, 90, 111, 112
b.	Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?					2, 20, 24, 25, 87, 88, 89, 111, 112
C.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?					2, 20, 24, 25, 87, 88, 89, 111, 112
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?					2, 20, 24, 25, 87, 88, 89, 111, 112
e.	Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?					2, 20, 24, 25, 87, 88, 89, 111, 112
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?					2, 22, 90, 111, 112
g.	Comply with federal, state, and local statues and regulations related to solid waste?				\boxtimes	2, 22, 90, 111, 112
	ANSPORTATION/TRAFFIC. Would the pject:					
a.	Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?					2, 12, 71, 75-77, 111, 112
b.	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management					2, 12, 71, 75-77, 80, 84, 111, 112



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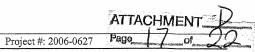
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			Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
		agency for designated roads or highways?					
	C.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?					2, 111, 112, 113
A STATE OF THE STA	d.	Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				\boxtimes	2, 12, 71, 75-77, 80, 84, 111, 112
	e.	Result in inadequate emergency access?					2, 111, 112
	f.	Result in inadequate parking capacity?				\boxtimes	37, 111
	g.	Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?					2, 12, 81, 111, 112
		ZARDS AND HAZARDOUS MATERIALS. uld the project?					
	a.	Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?					UFC, UBC, SVMC
	b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?		~			UFC, UBC, SVMC
	c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an exiting or proposed school?					UFC, UBC, SVMC
	d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?					UFC, UBC, SVMC
and an artist of the second	e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?					UFC, UBC, SVMC

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Project Address: 1155 Aster Avenue, Sunnyvale Applicant: Adam Morey

		Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
	f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?					UFC, UBC, SVMC
	g. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?				\boxtimes	UFC, UBC, SVMC
The second secon	 Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands 					UFC, UBC, SVMC
15.	RECREATION					
	Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?					2, 18, 111, 112
	b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				\boxtimes	2, 18, 111, 112
	AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				,	
	a. Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to nonagricultural use?					94
	b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?					94
	c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of				\boxtimes	94



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					T	
		Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
	Farmland, to non-agricultural use					
	YDROLOGY AND WATER QUALITY. Would a project:	-				
a.	Violate any water quality standards or waste discharge requirements?					2, 24, 25, 111, 112
b.	Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?					2, 24, 25, 111, 112
C.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation onor off-site?					2, 24, 25, 111, 112
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site?					2, 24, 25, 111, 112
е.	Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?					2, 24, 25, 111, 112
f.	Otherwise substantially degrade water quality?				\boxtimes	2, 24, 25, 111, 112
g.	Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				\boxtimes	2, 24, 25, 111, 112
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				\boxtimes	2, 24, 25, 111, 112
ì.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of					2, 24, 25, 111, 112

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	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
the failure of a levee or dam?					
j) Inundation by seiche, tsunami, or mudflow?					2, 24, 25, 111, 112

DISCUSSION OF IMPACTS THAT ARE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED:

7. NOISE (a)

Acoustical Report

The applicant submitted a noise study prepared by Illingsworth and Rodkin, Inc, (report is attached and available in the Community Development Department) analyzing the existing exterior noise levels at the site on June 19 and June 20, 2006. The study measured the noise levels at four separate locations on the Calstone and Peninsula Building Materials site. The locations included one on the western property line and four on the southern the property lines along Aster Avenue. The measurement occurred over one, 24-hour period and the results are presented in three levels. The first is the Leq, or average A-weighted noise level during the measurement period. The second is the LMax, which is the maximum noise levels reached at any one time. The third is L(90) with is all noise levels that were less than 90dBA.

According to the noise study, the noise levels along the western property line were typically less than 70dBA, but there were some activities that reached between 75 and 80dBA. The noise levels along Aster were the most significant and reached a maximum of 94dBA over the 24-hour period. The 24-hour average levels at the three meters along Aster Avenue were Ldn 66dBA, 61dBA, and 65dBA.

The report identified the significant noise contributors at the site as semi-truck deliveries (up to 75dBA), forklifts (up to 97dBA), and the block manufacturing machine (68-69dBA). The report concludes by saying the general operations at the site comply with a 75dBA noise level limit on all property lines but forklift generated noise may intermittently exceed the 75dBA limit. The report includes the following discussion of the forklift operations:



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Forklifts operate along the Aster Avenue property boundary just inside the fence because they must be able to access both sides of the stacks of blocks in order to accommodate the various types of materials that are manufactured. Most forklift operations occur between about 6:00 AM and 5:00 PM but a forklift may operate at any time when the facility is operating. Because the forklifts are operating very close to the property line, they intermittently generate noise levels above 75 dBA, both as a result of the engine and the backup beeper. As discussed previously, engine noise could be as high as 87 dBA and beeper noise could be as high as 97 dBA. Noise levels resulting from forklift operations along the Aster Avenue property line just inside the fence would also intermittently exceed the residential noise limits across the street. While the engine noise would cause a technical violation of the noise ordinance, it would not be noticeably different than typical vehicular traffic noise levels generated by vehicle passbys along Aster Avenue. Noise levels from the forklift engines would be lower than noise levels generated by trucks on Aster Avenue which would be passing closer to the residences. The occasional noise from the forklift engines would not make a measurable difference in the hourly or daily average noise levels at the residences across the street.

The sound of the backup alarm is a different matter. Backup beepers are a frequent source of complaints from residents, whether they occur during the daytime, evening, or nighttime. Backup alarms are regulated by CAL OSHA. Backup alarms must generate a noise level at least 5 dBA above the background noise in the vicinity of the rear of the machine where a person would be warned by the alarm. Because forklifts operate in quiet areas near the property line and in noisy areas near the block manufacturing equipment, a constant level backup alarm must be set at a high enough amplitude to be clearly heard in the noisiest area. In this situation, the 97 dBA at 4 feet setting is appropriate for a fixed level backup alarm. Variable level backup alarms are also manufactured. These alarms measure the background sound between the beeps and vary the amplitude so as to generate an OSHA compliant level.

Applicable Ordinances

When determining if noise generation is at acceptable levels for persons adjacent to the site, the City's Noise Sub-Element of the General Plan can be applied. The Sub-Element requires that interior noise levels cannot exceed a maximum 24-hour day/night average sound level of 45dBA when there is an exterior noise level of 60dBA or greater. In this case, the exterior noise level generated from Calstone and Peninsula reached Ldn 66dBA, 61dBA, and 65dBAB. The adjacent sites have been designed to reduce the indoor noise level to less than 45dBA and to minimize the impact of the outdoor noise levels. In addition, the projects were approved and constructed with the knowledge of the noise and operations at the Calstone and Peninsula Materials site.

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Table 2 "State of California Noise Guidelines for Land Use Planning Summary of Land Use Compatibility for Community Noise Environment" of the Noise Sub-element of the General Plan provides suggested exterior noise exposure by land use category. The "Normally Acceptable" range of noise for residential use extends to 60dB. "Conditionally Acceptable" noise for residential uses extends to 75dB. The existing noise generated from this project falls within the "Conditionally Acceptable" category, except the folklift operations previously discussed.

Mitigation Measures

The Acoustical Report recommends the following mitigation measures for noise control of the existing conditions:

- WHAT: 1) Install new variable volume backup alarms on the forklifts. This would reduce property line noise levels from the backup alarms by up to 15 dBA and will reduce the maximum dBA at the property line to be 75dBA or less.
 - 2) Recess the gate guide (a steel strip on the driveway) at the front entrance to below the asphalt grade to prevent empty trucks from bouncing and generating high noise levels.
 - 3) Put up a truck sign inside the gate at the front entrance that says "Noise Sensitive Area, Minimize Engine Revving, Gear Grinding", etc.
- WHEN: These mitigation measures will be converted into conditions of approval for this Variance Application prior to its final approval by the City's Planning Commission. The conditions will become valid when the Variance is approved and must be installed within three months.
- WHO: The property owner will be solely responsible for implementation and maintenance of these mitigation measures.
- HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

Steve Lynch, Associate Planer		6/27/2006
Completed By	,	Date

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City of Sunnyvale General Plan:

- Мар
- Air Quality Sub-Element
- Community Design Sub-Element
 Community Participation Sub-Element
- Cultural Arts Sub-Element 6.
- **Executive Summary**
- Fire Services Sub-Élement
- Fiscal Sub-Element
- Heritage Preservation Sub-Element 10.
- Housing & Community Revitalization Sub-11. Element
- Land Use & Transportation Sub-Element
- Law Enforcement Sub-Element
- Legislative Management Sub-Element
- Library Sub-Element
- 16. Noise Sub-Element
- Open Space Sub-Element. 17.
- Recreation Sub-Element
- Safety & Seismic Safety Sub-Element
- Sanitary Sewer System Sub-Element
- Socio-Economic Sub-Element Solid Waste Management Sub-Element 22.
- Support Services Sub-Element 23.
- Surface Run-off Sub-Element
- 25. Water Resources Sub-Element
- City of Sunnyvale Municipal Code: 26.
- 27. Chapter 10
- 28. Zoning Map
- Chapter 19.42. Operating Standards
- Chapter 19.28. Downtown Specific Plan District
- 31. Chapter 19.18. Residential Zoning Districts
- Chapter 19.20. Commercial Zoning Districts Chapter 19.22. Industrial Zoning Districts 32. 33.
- 34. Chapter 19.24. Office Zoning Districts
- Chapter 19.26. Combining Zoning Districts
- 36. Chapter 19.28. Downtown Specific Plan
- Chapter 19.46. Off-Street Parking & Loading Chapter 19.56. Solar Access Chapter 19.66. Affordable Housing 37.
- 38.
- 39.
- 40. Chapter 19.72. Conversion of Mobile Home Parks to Other Uses Chapter 19.94. Tree Preservation
- 41
- Chapter 19.96. Heritage Preservation Specific Plans
- El Camino Real Precise Plan 43.
- Lockheed Site Master Use Permit 44.
- 45. Moffett Field Comprehensive Use Plan
- 101 & Lawrence Site Specific Plan Southern Pacific Corridor Plan
- **Environmental Impact Reports**
- Futures Study Environmental Impact Report 48.
- 49. Lockheed Site Master Use Permit Environmental Impact Report
- 50. Tasman Corridor LRT Environmental Impact Study (supplemental)
- Kaiser Permanente Medical Center Replacement

- Center Environmental Impact Report (City of Santa Clara)
- 52. Downtown Development Program Environmental Impact Report
- 53. Caribbean-Moffett Park Environmental Impact Report
- Southern Pacific Corridor Plan Environmental Impact Report

Maps

- 55.
- City of Sunnyvale Aerial Maps Flood Insurance Rate Maps (FEMA) 56.
- Santa Clara County Assessors Parcel
- 58. Utility Maps (50 scale)

Lists/Inventories

- Sunnyvale Cultural Resources Inventory List 59.
- Heritage Landmark Designation List 60.
- Santa Clara County Heritage Resource Inventory
- 62. Hazardous Waste & Substances Sites List (State of California)
- 63. List of Known Contaminants in Sunnyvale

Legislation/Acts/Bills/Codes

- Subdivision Map Act
- 65. Uniform Fire Code, including amendments per SMC adoption
- National Fire Code (National Fire Protection 66. Association)
- Title 19 California Administrative Code
- California Assembly Bill 2185/2187 (Waters Bill)
- 69. California Assembly Bill 3777 (La Follette Bill)
- 70. Superfund Amendments & Reauthorization Act (SÀRA) Title III

Transportation

- California Department of Transportation Highway Design Manual
- 72. California Department of Transportation Traffic Manual
- California Department of Transportation Standard 73.
- California Department of Transportation Standard Specification
- 75. Institute of Transportation Engineers - Trip Generation
- 76. Institute of Transportation Engineers Transportation and Traffic Engineering
- 77. U.S. Dept. of Transportation Federal Highway Admin. Manual on Uniform Traffic Control Devices for Street and Highways
- California Vehicle Code 78.
- 79. Traffic Engineering Theory & Practice by L. J. Pegnataro
- 80. Santa Clara County Congestion Management Program and Technical Guidelines
- 81. Santa Clara County Transportation Agency Short Range Transit Plan

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Santa Clara County Transportation Plan

Traffic Volume Studies, City of Sunnyvale Public 83. works Department of Traffic Engineering Division

84. Santa Clara County Sub-Regional Deficiency Plan

Bicycle Plan 85.

Public Works

Standard Specifications and Details of the Department of Public Works

Storm Drain Master Plan

Sanitary Sewer Master Plan Water Master Plan 88.

89.

Solid-Waste Management Plan of Santa Clara 90. County

91. Geotechnical Investigation Reports

Engineering Division Project Files Subdivision and Parcel Map Files 92.

93.

Miscellaneous

Field Inspection

Environmental Information Form

96. Annual Summary of Containment Excesses

97.

(BAAQMD)
Current Air Quality Data
Chemical Emergency Preparedness Program 98. (EPA) Interim Document in 1985?)

Association of Bay Area Governments (ABAG) 99.

Population Projections

100. Bay Area Clean Air Plan101. City-wide Design Guidelines

Industrial Design Guidelines

Building Safety

103. Uniform Building Code, Volume 1, (Including the California Building Code, Volume 1)

104. Uniform Building Code, Volume 2, (Including the

California Building Code, Volume 2)
Uniform Plumbing Code, (Including the California

Plumbing Code)

106. Uniform Mechanical Code, (Including the California Mechanical Code)

National Electrical Code (Including California Electrical Code)

108. Title 16 of the Sunnyvale Municipal Code

Additional References

109. USFWS/CA Dept. F&G Special Status Lists

110. Project Traffic Impact Analysis

111. Project Description

112. Project Development Plans

113. Santa Clara County Airport Land Use Plan 114. Federal Aviation Administration

115. Accousticla Analysis by Illingsworth & Rodkin,